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Dempsey Collins.

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H.R. Rep. No. 967, 25th Cong., 2nd Sess. (1838)

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DEMPSEY COLLINS.

JUNE 9, 1838.

Read, and laid upon the table.

MR. STUART, from the Committee of Claims, submitted the following

REPORT:

The Committee of Claims, to whom was referred the petition of Dempsey Collins, praying compensation for a horse lost in the service of the United States, have had the same under consideration, and report:

That it appears from the affidavit of the petitioner, sustained by the certificate of his captain, that he was a sergeant in the company of mounted Florida volunteers commanded by Captain John M. Hanson during the spring of 1837; that when mustered into the service his horse was appraised at the sum of \$150; that whilst at New Smyrna, where his company, with others, was stationed, Captain Hanson was ordered, on the 4th day of April, 1837, with a detachment of his company, to pursue a party of Indians; that a man named Stephen Bulow, who volunteered with the detachment on that occasion, was mounted on said horse; that whilst in rapid pursuit of the enemy he stumbled, threw his rider, and ran off into the woods, where he afterwards fell into the hands of the enemy, and, though every effort was made to recover him, it was without success; that the petitioner immediately furnished himself with another horse, and continued to do service as before.

The petitioner asks of Congress the appraised value of his horse, viz: \$150.

The committee will not stop to inquire how far the petitioner would lose his claim upon the Government by intrusting his horse to a third person, being satisfied that, had the loss occurred while the petitioner himself was in possession of the horse, the case would not be embraced in the act of Congress providing for compensation for the loss of horses in the service of the United States. The horse was not lost in either of the modes prescribed by the act of Congress; and the committee do not feel at liberty, if they were so inclined, to extend the operation of the law beyond its fair and liberal construction. They therefore propose the adoption of the following resolution:

Resolved, That the petitioner is not entitled to relief.